

# HOUSE . . . . . No. 24

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Accompanying the eighth recommendation of the Executive Office of Labor and Workforce Development (House, No. 16). Labor and Workforce Development.

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## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine.

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### AN ACT MAKING TECHNICAL AMENDMENTS REGARDING THE DIVISION OF LABOR RELATIONS WITHIN THE DEPARTMENT OF LABOR.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1       SECTION 1. Section 9R(a) of chapter 23 of the General Laws, as appearing in section 5 of  
2 chapter 145 of the acts of 2007, is hereby amended by striking out, in the first sentence, the  
3 numeral “5” and inserting in place thereof the following numeral:- 6 .

4       SECTION 2. Section 9T(c) of chapter 23 of the General Laws, as appearing in section 5 of  
5 chapter 145 of the acts of 2007, is hereby amended by striking out, in the second sentence, the  
6 words “the 3 following sections” and inserting in place thereof the following words:- sections 9P,  
7 9Q, and 9R of this chapter.

8       SECTION 3. Section 19 of chapter 23D of the General Laws, as appearing in the 2006  
9 Official Edition, is hereby amended by striking out, in lines 25 and 26, the words “board of  
10 conciliation and arbitration” and inserting in place thereof the following words:- division of labor  
11 relations.

12       SECTION 4. Section 46 of chapter 30 of the General Laws, as appearing in the 2006 Official  
13 Edition, is hereby amended by striking out, in lines 4, 5, 12, 17, 24, 32, and 33, the words “labor  
14 relations commission” and inserting in place thereof the following words:- division of labor  
15 relations.

16       SECTION 5. Section 46C of said chapter 30, as so appearing, is hereby amended by striking  
17 out, in line 7, the words “labor relations commission” and inserting in place thereof the following  
18 words:- division of labor relations.

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19 SECTION 6. Section 20C of chapter 149 of the General Laws, as appearing in the 2006  
20 Official Edition, is hereby amended by striking out, in lines 66 and 72, the words “labor relations  
21 commission” and inserting in place thereof the following words:- division of labor relations.

22 SECTION 7. Said section 20C is hereby further amended by striking out, in line 68, the word  
23 “commission” and inserting in place thereof the following word:- division.

24 SECTION 8. Section 52C of chapter 149 of the General Laws, as appearing in the 2006  
25 Official Edition, is hereby amended by striking out, in line 67, the words “Labor Relations  
26 Commission” and inserting in place thereof the following words:- Division of Labor Relations.

27 SECTION 9. Section 1 of chapter 150 of the General Laws, as appearing in the 2006 Official  
28 Edition, is hereby amended by striking out, in lines 1 and 2, the words “board of conciliation and  
29 arbitration, in this chapter called the board” and inserting in place thereof the following words:-  
30 division of labor relations, in this chapter called the division.

31 SECTION 10. Section 2 of said chapter 150, as so appearing, is hereby repealed.

32 SECTION 11. Section 3 of said chapter 150, as so appearing, is hereby amended by striking  
33 out, in lines 3, 5, 7, 11, 13, 17, 21, 22, and 24, the word “board” and inserting in place thereof the  
34 following word:- division.

35 SECTION 12. Section 4 of said chapter 150, as so appearing, is hereby amended by striking  
36 out, in lines 3, 7, 9, and 14, the word “board” and inserting in place thereof the following word:-  
37 division.

38  
39 SECTION 13. Section 5 of said chapter 150, as so appearing, is hereby amended by striking  
40 out, in lines 2, 6, 10, 11, and 17, the word “board” and inserting in place thereof the following  
41 word:- division.

42 SECTION 14. Section 6 of said chapter 150, as so appearing, is hereby amended by striking  
43 out, in lines 5, 15, 25, 34, 39, 40, 45, and 47, the word “board” and inserting in place thereof the  
44 following word:- division.

45 SECTION 15. Section 7 of said chapter 150, as so appearing, is hereby amended by striking  
46 out, in lines 3, 7, 9, 13, 15, 20, and 22, the word “board” and inserting in place thereof the  
47 following word:- division.

48 SECTION 16. Said section 7 is hereby further amended by striking out, in line 6, the word  
49 “member” and inserting in place thereof the following word:- representative.

50 SECTION 17. Section 8 of chapter 150 of the General Laws, as appearing in the 2006  
51 Official Edition, is hereby amended by striking out, in lines 2 and 6, the word “board” and  
52 inserting in place thereof the following word:- division.

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SECTION 18. Said section 8 is hereby further amended by striking out, in line 2, the word “member” and inserting in place thereof the following word:- representative.

SECTION 19. Section 9 of said chapter 150 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 7, 8, 11, and 15, the words “state board” and inserting in place thereof the following word:- division.

SECTION 20. Section 10 of said chapter 150, as so appearing, is hereby repealed.

SECTION 21. Section 2 of Chapter 150A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in lines 48 through 49, subsection (8) and inserting in place thereof the following new subsection:-

(8) The term "division" means the division of labor relations existing under section 9O of chapter 23, and the term “board” means the commonwealth employment relations board existing under section 9R of chapter 23.

SECTION 22. Said section 2, as amended by section 1 of chapter 120 of the acts of 2007, is hereby further amended by striking out, in subsection 12 thereof, the word “commission” and inserting in place thereof the following word:- board.

SECTION 23. Section 3A of chapter 150A of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by striking out, in line 7, the words “department of labor and workforce development” and inserting in place thereof the following word:- division.

SECTION 24. Section 4 of said chapter 150A, as so appearing, is hereby amended by striking out, in line 7, the words “commission pursuant to section nine R of chapter twenty-three” and inserting in place thereof the following words:- division pursuant to section 9T of chapter 23.

SECTION 25. Section 4A of said chapter 150A, as so appearing, is hereby amended by striking out, in line 14, the word “commission” and inserting in place thereof the following word:- division.

SECTION 26. Subsection (b) of section 5 of said chapter 150A, as so appearing, is hereby amended by striking out, in lines 10, 15, and 17, the word “commission” and inserting in place thereof the following word:- board.

SECTION 27. Subsection (c) of said section 5 is hereby amended by striking out, in lines 23, 26, 28, and 32, the word “commission” and inserting in place thereof the following word:- division.

SECTION 28. Said subsection (c), as amended by section 2 of chapter 120 of the acts of 2007, is hereby further amended by striking out the word “commission” wherever it appears therein, and inserting in place thereof the following word:- division.

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87       SECTION 29. Subsection (d) of section 5 of chapter 150A of the General Laws, as appearing  
88 in the 2006 Official Edition, is hereby amended by striking out, in lines 47 and 48, the word  
89 “commission” and inserting in place thereof the following word:- division.

90       SECTION 30. Said subsection (d) is hereby further amended by striking out, in lines 50, 51,  
91 54, and 57, the word “commission” and inserting in place thereof the following word:- board.

92       SECTION 31. Said subsection (d) is hereby further amended by striking out, in lines 47, 48,  
93 51, and 55, the word “member” and inserting in place thereof the following word:- representative.

94       SECTION 32. Subsection (e) of section 5 of chapter 150A of the General Laws, as appearing  
95 in the 2006 Official Edition, is hereby amended by striking out, in lines 58 and 65, the word  
96 “commission” and inserting in place thereof the following word:- board.

97       SECTION 33. Section 6 of chapter 150A of the General Laws, as appearing in the 2006  
98 Official Edition, is hereby amended by striking out, in lines 1, 8, 9, 12, 15, and 21, the word  
99 “commission” and inserting in place thereof the following word:- division.

100       SECTION 34. Said section 6 is hereby further amended by striking out, in lines 33, 36, 38,  
101 39, 44, 48, 51, and 53, the word “commission” and inserting in place thereof the following word:-  
102 board.

103       SECTION 35. Section 6A of chapter 150A of the General Laws, as appearing in the 2006  
104 Official Edition, is hereby amended by striking out, in lines 3, 13, 17, 28, 35, and 36, the word  
105 “commission” and inserting in place thereof the following word:- division.

106       SECTION 36. Section 6B of said chapter 150A, as so appearing, is hereby amended by  
107 striking out, in line 1, the word “commission” and inserting in place thereof the following word:-  
108 division.

109       SECTION 37. Section 7 of said chapter 150A, as so appearing, is hereby amended by  
110 striking out, in lines 2, 4, 8, 11, 12, 13, 22, 23, 30, 38, 39, 46, 56, and 58, the word “commission”  
111 and inserting in place thereof the following word:- division.

112       SECTION 38. Said section 7 is hereby further amended by striking out, in lines 8, 11, and  
113 12, the word “member” and inserting in place thereof the following word:- representative.

114       SECTION 39. Section 8 of chapter 150A of the General Laws, as appearing in the 2006  
115 Official Edition, is hereby amended by striking out, in line 2, the words “member of the  
116 commission” and inserting in place thereof the following words:- representative of the division.

117       SECTION 40. Section 10 of said chapter 150A, as so appearing, is hereby amended by  
118 striking out, in lines 10 and 11, the word “commission” and inserting in place thereof the  
119 following word:- division.

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120       SECTION 41. Section 1 of chapter 150E of the General Laws, as appearing in the 2006  
121       Official Edition, is hereby amended by striking out, in lines 4 and 5, the words “board of  
122       conciliation and arbitration established under section seven of chapter twenty-three” and inserting  
123       in place thereof the following words:- commonwealth employment relations board established  
124       under section 9R of chapter 23.

125       SECTION 42. Said section 1 is hereby further amended by striking out, in lines 6 and 7, the  
126       words “‘Commission’, the labor relations commission” and inserting in place thereof the  
127       following words:- "Division", the division of labor relations.

128       SECTION 43. Said section 1 is hereby further amended by striking out, in line 17, the word  
129       “commission” and inserting in place thereof the following word:- division.

130       SECTION 44. Said section 1, as amended by section 3 of chapter 120 of the acts of 2007, is  
131       hereby further amended by striking out therein the word “commission” and inserting in place  
132       thereof the following word:- division.

133       SECTION 45. Section 3 of chapter 150E of the General Laws, as appearing in the 2006  
134       Official Edition, is hereby amended by striking out, in line 1, the word “commission” and  
135       inserting in place thereof the following word:- division.

136       SECTION 46. Section 4 of said chapter 150E, as so appearing, is hereby amended by  
137       striking out, in lines 6, 8, 28, 32, 34, and 37, the word “commission” and inserting in place  
138       thereof the following word:- division.

139       SECTION 47. Said section 4 is hereby further amended by striking out, in lines 37, 38, 40,  
140       and 45, the word “member” and inserting in place thereof the following word:- representative.

141       SECTION 48. Said section 4 is hereby further amended by striking out, in lines 40, 41, 43,  
142       44, and 47, the word “commission” and inserting in place thereof the following word:- board.

143       SECTION 49. Said Section 4 is hereby further amended by striking out, in lines 18 and 25,  
144       the word “commission” and inserting in place thereof the following words:- board or division  
145       agent or representative.

146       SECTION 50. Said section 4, as amended by section 4 of chapter 120 of the acts of 2007, is  
147       hereby further amended by striking out therein the word “commission” and inserting in place  
148       thereof the following word:- division.

149       SECTION 51. Section 7 of chapter 150E of the General Laws, as appearing in the 2006  
150       Official Edition, is hereby amended by striking out, in line 4, the word “commission” and  
151       inserting in place thereof the following word:- division.

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152 SECTION 52. Section 8 of said chapter 150E, as so appearing, is hereby amended by  
153 striking out, in line 5, the word “commission” and inserting in place thereof the following word:-  
154 board.

155 SECTION 53. Section 9 of said chapter 150E, as so appearing, is hereby amended by  
156 striking out, in lines 3, 4, 7, 10, 13, 19, 22, 23, 25, 26, 30, 31, 34, 36, 38, 54, and 66, the word  
157 “board” and inserting in place thereof the following word:- division.

158 SECTION 54. Section 9A of said chapter 150E, as so appearing, is hereby amended by  
159 striking out, in line 6, the word “commission” and inserting in place thereof the following word:-  
160 division.

161 SECTION 55. Said section 9A is hereby further amended by striking out, in line 7, the word  
162 “commission” and inserting in place thereof the following word:- board.

163 SECTION 56. Section 12 of said chapter 150E, as so appearing, is hereby amended by  
164 striking out, in line 7, the word “commission” and inserting in place thereof the following word:-  
165 division.

166 SECTION 57. Section 13 of said chapter 150E, as so appearing, is hereby amended by  
167 striking out, in lines 1, 3, 6, 9, 15, and 18, the word “commission” and inserting in place thereof  
168 the following word:- division.

169 SECTION 58. Section 14 of said chapter 150E, as so appearing, is hereby amended by  
170 striking out, in lines 3, 17, 18, and 21, the word “commission” and inserting in place thereof the  
171 following word:- division.

172 SECTION 59. Section 15 of said chapter 150E, as so appearing, is hereby amended by  
173 striking out, in line 3, the word “member” and inserting in place thereof the following word:-  
174 representative.

175 SECTION 60. Said section 15 is hereby further amended by striking out, in lines 3 and 4, the  
176 word “commission” and inserting in place thereof the following word:- division.

177 SECTION 61. Section 25 of chapter 161A of the General Laws, as appearing in the 2006  
178 Official Edition, is hereby amended by striking out, in line 68, the words “board of conciliation  
179 and arbitration” and inserting in place thereof the following words:- division of labor relations.

180 SECTION 62. Section 29 of chapter 161A of the General Laws, as appearing in the 2006  
181 Official Edition, is hereby amended by striking out, in lines 6, 7, 22, and 23, the words “board of  
182 conciliation and arbitration” and inserting in place thereof the following words:- division of labor  
183 relations.

184 SECTION 63. Said section 29 is hereby further amended by striking out, in lines 8, 24 and  
185 30, the word “board” and inserting in place thereof the following word:- division.

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186 SECTION 64. Section 30 of said chapter 161A, as so appearing, is hereby amended by  
187 striking out, in line 2, the words “board of conciliation and arbitration” and inserting in place  
188 thereof the following words:- division of labor relations.

189 SECTION 65. Section 17G of chapter 180 of the General Laws, as appearing in the 2006  
190 Official Edition, is hereby amended by striking out, in line 8, the words “labor relations  
191 commission” and inserting in place thereof the following words:- division of labor relations.

192 SECTION 66. Section 17J of said chapter 180, as so appearing, is hereby amended by  
193 striking out, in lines 8 and 9, the words “labor relations commission” and inserting in place  
194 thereof the following words:- division of labor relations.

195 SECTION 67. Section 5 of chapter 211A of the General Laws, as appearing in the 2006  
196 Official Edition, is hereby amended by striking out, in line 8, the words “labor relations  
197 commission” and inserting in place thereof the following words:- division of labor relations and  
198 the commonwealth employment relations board.

199 SECTION 68. Subsection (a) of section 577 of chapter 151 of the acts of 1996, is hereby  
200 amended by striking out the words “labor relations commission” and inserting in place thereof the  
201 following words:- division of labor relations.

202 SECTION 69. Subsections (a) and (b) of section 577 of said chapter 151 are hereby amended  
203 by striking out the word “the commission” wherever they appear therein, and inserting in place  
204 thereof the following words:- the division.

205 SECTION 70. Said subsections (a) and (b) are hereby further amended by striking out the  
206 words “board of conciliation and arbitration” wherever they appear therein, and inserting in place  
207 thereof the following words:- division.

208 SECTION 71. Subsection (c) of section 577 of said chapter 151 is hereby amended by  
209 striking out, in the first and fourth sentences, the word “commission” and inserting in place  
210 thereof the following word:- division.

211 SECTION 72. Said subsection (c) is hereby further amended by striking out the third  
212 sentence and inserting in place thereof the following sentence:- The arbitrator’s decision shall be  
213 reviewed by the same standards set forth in said section eleven and shall be subject to the same  
214 deference that is afforded decisions of the division, provided, however, that in the event of a  
215 conflict between a decision of an arbitrator and a prior decision of the commonwealth  
216 employment relations board or its predecessor, the decision of the board shall be afforded greater  
217 deference.

218 SECTION 73. Subsection (d) of section 577 of said chapter 151 is hereby repealed.

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219       SECTION 74. Section 8 of chapter 145 of the acts of 2007 is hereby amended by striking out  
220       the words “labor relations commission, the board of conciliation and arbitration, and the joint  
221       labor management committee”, and inserting in place thereof the following words:- labor  
222       relations commission and the board of conciliation and arbitration.